REMARKS

Claims 1-4, 6-7, 9, 11-12 and 14-16 are pending in the present application. Claims 5, 8, 10 and 13 are canceled and claims 1, 4, 9 and 14 are amended. The features of claims 5, 8, 10 and 13 are incorporated into the independent claims. Additionally, support for the amendments to claims 1, 4, 9 and 14 may be found at least on page 19, lines 9-31. Reconsideration of the claims is respectfully requested.

I. Telephone Interview

Applicants thank Examiner Shabana Qureshi for the courtesies extended to Applicants' representative during the October 1, 2004 telephone interview. During the interview, the Examiner agreed that the amendments to the claims overcome the prior art of record. The substance of the telephone interview is summarized in the following remarks.

II. 35 U.S.C. § 102, Alleged Anticipation Based on *Levergood*

The Office Action rejects claims 1, 4-5, 9-10 and 14 under 35 U.S.C. § 102(b) as being allegedly anticipated by *Levergood, Thomas, et. al.,* "AudioFile: A Network – Transparent System for Distributed Audio Applications", Cambridge Research Laboratory, June 11, 1993, hereinafter referred to as *Levergood.* This rejection is respectfully traversed.

As to independent claims 1, 4, 9 and 14, the Office Action states:

> Regarding claim 1, Levergood teaches a method for a distributed audio server (page 1, paragraph 3 – page 2, paragraph 2), the method comprising the computer implemented steps of:
> - Generating audio data (page 2, paragraph 6);
> - graphic data is sent to a display server on a client machine specified by a display environment variable (page 23, paragraph 4); and
> - audio data is sent to an audio server on the client machine specified by an audio environment variable or an audio command line parameter (page 23, paragraph 4) in a platform-independent application (page 4, paragraph 2). ...

> Regarding claim 4, Levergood teaches a method of a distributed audio server (page 1), the method comprising computer-implemented steps of:

- Generating audio data in platform-independent application (page 4, paragraph 2; here Levergood teaches that AudioFile does not require specialized protocols or multithreaded environments).
- in response to receiving audio data at an audio driver, determining whether an audio environment variable is defined or an audio command line parameter is defined (page 23, paragraph 4); and
- if an audio environment variable or an audio command line parameter is defined, sending the audio data to an audio server on a client machine specified by the audio environment variable or by the audio command line parameter (page 23, paragraph 4). ...

Regarding claim 9, Levergood taught a data processing system for a distributed audio server (abstract), the data processing system comprising:
- first generating means for generating audio data in a platform-independent application (page 4, paragraph 2);
- determining means for determining, in response to receiving audio data at an audio driver, whether an audio environment variable or an audio command line parameter is defined (page 23, paragraph 4); and
- first sending means for sending, in response to a determination that an audio environment variable or an audio command line parameter is defined, the audio data to a platform-independent audio server on a client machine specified by the audio environment variable or by the audio command line parameter (page 4, paragraph 2; page 23, paragraph 4). ...

Regarding claim 14, Levergood discloses a computer program product on a computer readable medium for use in a data processing system for a distributed audio server (page 1), the computer program product comprising:
- instructions for generating audio data and graphic data in a platform independent application (page 23, paragraph 4);
- instructions for sending the graphic data to a display server on a client machine specified by a display environment variable (page 23, paragraph 4); and
- instructions for sending the audio data to a platform independent audio server (page 4, paragraph 2) on the client machine specified by an audio environment variable or by an audio command line parameter (page 23, paragraph 4).

Office Action dated July 9, 2004, page 2-5.

As amended, claim 1, which is representative of the other rejected independent claim 14 with regard to similarly recited subject matter, reads as follows:

1.   A method for a distributed audio server, the method comprising the computer-implemented steps of:

generating audio data and graphic data in a platform-independent application;

sending the graphic data to a display server on a client machine specified by a display environment variable;

sending the audio data to a platform-independent audio server on the client machine specified by an audio environment variable or by an audio command line parameter; and

synchronizing the graphic data and the audio data, wherein the synchronizing includes sending information back to the platform-independent application that generated the audio data and the graphic data, and wherein the information provides an estimate of a delay time between a first time point when an audio packet is sent and a second time point when the audio packet is played. (emphasis added)

As amended, claim 4, which is representative of the other rejected independent claim 9 with regard to similarly recited subject matter, reads as follows:

4.   A method for a distributed audio server, the method comprising the computer-implemented steps of:

generating audio data in a platform-independent application;

in response to receiving the audio data at an audio driver, determining whether an audio environment variable or an audio command line parameter is defined;

if an audio environment variable or an audio command line parameter is defined, sending the audio data to a platform-independent audio server on a client machine specified by the audio environment variable or by the audio command line parameter;

generating graphic data in the platform-independent application;

sending the graphic data to a display server on the client machine specified by a display environment variable; and

synchronizing the graphic data and the audio data, wherein the synchronizing includes sending information back to the platform-independent application that generated the audio data and the graphic data, and wherein the information provides an estimate of a delay time between a first time point when an audio packet is sent and a second time point when the audio packet is played. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a

prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that *Levergood* does not identically show every element of the claimed invention arranged as they are in the claims. Specifically, *Levergood* does not teach or suggest synchronizing the graphic data and the audio data, wherein the synchronizing